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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|--------------------------|------------------------|
| 10/660,422 | 09/10/2003 | Paul M. Agbabian | SYMC1025 | 5838 |
| 34350 7590 05/07/2007 GUNNISON, MCKAY & HODGSON, L.L.P. 1900 GARDEN ROAD, SUITE 220 MONTEREY, CA 93940 | | | EXAMINER KHATRI, ANIL | |
| | | | ART UNIT 2191 | PAPER NUMBER |
| | | | MAIL DATE 05/07/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 10/660,422 | Applicant(s) AGBABIAN ET AL. | |
| | Examiner Anil Khatri | Art Unit 2191 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is in response to the request for reconsideration filed on 2/21/07.
2. As per applicant's request claims 1, 21, 26 and 29-86 have been amended.
3. As per applicant request claims 1-86 has been considered but they are not persuasive.
4. Claims 1-86 are rejected under 35 U.S.C. 102(e) as being anticipated by *Sangudi et al* USPN 6,925,470.
5. Claims 6-7, 17-20, 23, 24, 28 and 35-40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Sangudi et al* USPN 6,925,470 in view of *Baer et al* USPN 6,986,102.
6. Claims 1-77, 79 and 81-85 stand rejected under 35 USC 101 because they disclose a claimed invention that is an abstract idea as defined in the case *In re Warmerdam*, 33, F 3d 1354, 31 USPQ 2d 1754 (Fed. Cir. 1994).
7. Examiner has withdrawn 35 USC 101 rejection on claims 78, 80 and 86 upon clarification filled by the applicant.
8. Examiner has withdrawn 35 USC 112, second paragraph rejection on claims 1-86 upon clarification filled by the applicant.

In remarks applicant argues,

- I. Configuration object representing a certain behavior or desired function state or a software feature of managed product" as to claims 1 and 21, 29, 33, 49, 65, 78-82 and 86
- II. Including data for a setting a software feature of managed product", as to claim 26 and 27.

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III. Claims 6-7, 17-20, 23, 24, 28 and 35-40 are not obvious over *Sangudi et al* USPN 6,925,470 in view of *Baer et al* USPN 6,986,102.

IV. Claims 1-77, 79 and 81-85 are statutory and recites statutory subject matter.

In response to applicant's arguments,

I. It was noted that cited art fairly suggest the configuration object representing a certain behavior or desired function state or a software feature of managed product (column 12, lines 21-35, Reference has been made to field, tree, graph, node, element, object, data, attribute, etc. Some of these terms as understood by one skilled in the art are often considered interchangeable and/or having the same essence in differing structures or schemes. For example, in a table database, such as a relational database, a unit of data may be in a field, this same unit of data in an XML environment may be in an entity called an attribute or a value. A node in XML may be called an object in an object-oriented database. Nodes may be called a root if the node is at the top and children may be called sub-nodes. Nodes at the same level may be called siblings, etc. What is to be appreciated is that in the art, the words sometimes have meanings commensurate with the surrounding environment, and yet often the words are used interchangeably without respect to the specific structure or environment, i.e. one skilled in the art understands the use and meaning). Therefore, examiner interprets that reference teaches configuration and interchanges object with in XML environment. Thus, limitations are met by the reference.

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II. It was also noted that reference also teaches including data for a setting a software feature of managed product (figure 15, column 7, lines 56-67 and column 8; lines 1-11, logical data model using documents, such as XML, to map to a table, for example, in a relational database (RDB). This example is course grained because it is a simple data model that stores each XML document as a Large Object(s) (LOB). The grouping feature is implemented using a separate set of tables (not shown). This data model supports fast update and retrieval, because an entire document is stored in only one database row. Support for a structured search would require loading and/or parsing the entire document. As can be seen in FIG. 15 the columns are object field, key, type, nulls, and comment. Here there is only one object supported and it is a document, such as an XML document. The various fields in the object document support a document_id, a universal resource locator (url), text and binary content. In the key field, pk denotes primary key and here the primary key is the document_id field. Type refers to the type of data supported, for example, number data, string data, character large object(s) (clob) data, and binary large object(s) (blob) data. The nulls field indicates information as to whether the respective data may be null. The comment field has some additional documentation. Please note that the nulls field and the comments field are not necessary for implementation, but are shown in the figures to help the reader understand the logical data model. Thus limitations are met by the reference.

III. Claims 6-7, 17-20, 23, 24, 28 and 35-40 are obvious over *Sangudi et al* USPN 6,925,470 in view of *Baer et al* USPN 6,986,102. *Sangudi et al* teaches revision filed (figures 15-16, column 7, lines 54-66, “a logical data... XML document). *Sangudi et al* does not teach explicitly timestamp. However, *Baer et al* teaches (column 19, see table, lines 48-50). Therefore, it would

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have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate sequence revision filed with configuration object in XML and into database. The modification would have been obvious because one of ordinary skill in the art would have been motivated to combine teaching into sequence revision filed to time when revision was done for managing applications on a computer network using configuration inheritance and revisioning.

IV. Claims 1-77, 79 and 81-85 stand rejected under are rejected under 35 USC 101 because they disclose a claimed invention that is an abstract idea as defined in the case *In re Warmerdam*, 33, F 3d 1354, 31 USPQ 2d 1754 (Fed. Cir. 1994).

Analysis: Claims 1-77, 79 and 81-85 disclosed by the applicant as being a “computer memory structure and method...”. Since the claims are each a series of steps to be performed on a computer the processes must be analyzed to determine whether they are statutory under 35 USC 101.

Examiner interprets that the claims 1-77, 79 and 81-85 are non-statutory because they recites configuration object, a key filed, setting pointer, configuration object and manipulation of string and objects for memory to lay out data structure for memory manipulation without producing any concrete and tangible results so its functionality can be realized. Further, claims are merely data declaration for objects to get memory allocation. Therefore, claims 1-77, 79 and 81-85 are non-statutory and stand rejected under 35 USC 101.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


ANIL KHATRI
PRIMARY EXAMINER